



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 05-89

Date: October 28, 2005

Application No. 2005-02181

Expiration Date: November 28, 2005

Please address comments to: Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214 (Attn: Lisa Morris)

JOINT PUBLIC NOTICE **US ARMY CORPS OF ENGINEERS** **TENNESSEE VALLEY AUTHORITY**

SUBJECT: Proposed Deposit of Fill Material Associated with Bridge Replacements and Road Construction on Dukes Creek Mile 1.4 and its Adjacent Wetlands, in Lincoln County, TN (State Route 15/U.S. 64) TDOT Project No. 52005-1217-04/ Fed # NH-15(103)/ PIN 101588.00

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (CWA)** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the state of Tennessee, Department of Environment and Conservation (TDEC), Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. The applicant applied for the required water quality certification on September 30, 2005.

APPLICANT: Tennessee Department of Transportation (TDOT)
Environmental Division
Suite 900, James K. Polk Building
Nashville, TN 37243

LOCATION: Dukes Creek Mile 1.4 and its Adjacent Wetlands, in Lincoln County, TN. Dukes Creek is a tributary of the Elk River at Mile 104.3L. USGS Quad - Flintville, TN. Lat: 35.1228; Lon: 86.4589.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to improve 4.1-miles of State Route (SR) 15 from near Teal Hollow Road (Kelso-Smithland Road) to near SR 275, with the construction of four 12' directional travel lanes, 48' median with two-12' outside shoulders and two-6' inside shoulders. The project is described as follows:

1. Wetland Impact (Adjacent to Dukes Creek Mile 1.4; Lat 35.1228; Lon 86.4589; SR 15 Sta. 116+40 to Sta. 126+00): The project would involve the permanent filling of 1.84-acre wetland and the temporary filling of 0.28-acre wetland for construction/haul roads. The wetland fill is associated with the construction of a 126' three span dual bridge on new right-of-way with 230' riprap along the east and west banks of the stream for abutment protection.

2. Box Bridge Construction (Unnamed tributary of Dukes Creek Mile 1.0L; Lat 35.1248; Lon 86.4618; SR 15 Sta. 108+70): Proposed is the construction of a three @ 10' x 10' box bridge requiring 160' stream encapsulation. Associated is the removal of a deficient 28' single span concrete deck bridge.

3. Riprap for Bridge Construction (Unnamed tributary of Dukes Creek Mile 1.0L, Lat 35.1237; Lon 86.4602; SR 15 Sta. 115+63): Proposed is the placement of 230' of riprap along the east and west banks of the stream for abutment protection associated with the construction of a 126' three span dual bridge and the removal of a deficient 82' four span concrete deck bridge.

4. Riprap for Bridge Construction (Dukes Creek Mile 1.4L; Lat 35.1214; Lon 86.4548; SR 15 Sta. 128+48): Proposed is the placement of 230' of riprap along the east and west banks of the stream for abutment protection associated with the construction of a 126' three span dual bridge and the removal of a deficient 103' four span concrete deck bridge.

5. Channel Relocation and Side Drain (Unnamed tributary of Dukes Creek Mile 1.4L; Lat 35.1206; Lon 86.4548; SR 15 Sta. 128+70 to Sta. 139+25): Proposed is the relocation of 1135' of open channel that runs parallel to the existing roadway into 1143' of new open channel and 30' of 78 inch x 48 inch side drain length.

6. Channel Relocation and Spring Box (Unnamed tributary of Dukes Creek Mile 1.4L; Lat 35.1214; Lon 86.4562; SR 15 Sta. 131+20): Proposed is the relocation of 102' of open channel into a spring drain box with 20' of 18-inch pipe plus 12' of "u" shape endwall, structure length 32'.

7. Construction of Outfall Structures (Unnamed tributary of Dukes Creek Mile 1.4L; Lat 35.1206; Lon 86.4532; SR 15 Sta. 137+50): Proposed is the construction of 18-inch pipe with "u" shape endwall with possible stream bank disturbance 10 to 20 feet).

8. Culvert Construction and Spring Box (Unnamed tributary of Elk River Mile 110.0L; Lat 35.0976; Lon 86.4246; SR 15 Sta. 279+64): Proposed is the replacement of a 91' long 3' x 3' box culvert, 40' open channel at outlet and 83' at inlet (total stream impact 214') with a 48-inch pipe - 263' length, 15' "u" shape endwall at outlet, and 15' "u" shape endwall at inlet. Total structure length of 293' would encapsulate channel and pond with 25' open stream at outlet. Total proposed stream length would be 318'. Associated is the installation of a spring box and pipe (200' or less in length).

Public Notice 05-89

9. Utility Construction (Unnamed tributary of Elk River Mile 110.0L; Lat 35.0976; Lon 86.4251; SR 15 Sta. 279+64): Proposed 6-inch water line.

10. In addition, TDOT is requesting approval for potential temporary stream crossings (at each site) to be located within existing rights-of-way.

Mitigation for the permanent wetland loss would be a debit from available credits at the Coffee County Wetland Mitigation Bank at a 4:1 ratio (7.36-acre). The temporary wetland fill areas would be returned to their original elevations, seeded with perennial rye grass, and planted with wetland species trees.

Mitigation for the channel relocations, stream encapsulations, and associated work would be a combination of on-site (tree planting) and in-lieu fee. TDOT proposes to make a payment of \$79,000 for 395 feet of channel length loss (395 ft x \$200) to the Tennessee Wildlife Resources Foundation for the In-Lieu Fee Stream Mitigation Program.

Plans of the proposed work are attached. More detailed plans may be obtained by contacting this office or TDOT.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

Public Notice 05-89

Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

Endangered Species. Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service (USFWS) is not planned at this time. By letters to TDOT dated October 7, 1998, December 16, 1998, and December 18, 2003, the USFWS concluded that the project is not likely to adversely affect the following federally listed or endangered species: Gray bat, Indiana Bat, Boulder Darter, Shiny pigtoe pearly mussel, tubercled-blossom pearly mussel, fine-rayed pigtoe pearly mussel, Cumberland moneyface pearly mussel, Birdwing pearly mussel, Yellow-blossom pearly mussel, Cracking pearly mussel, Painted snake coiled forest snail, and Eggerts sunflower.

Cultural Resources. By letter to TDOT dated September 15, 1998, the Tennessee Historical Commission (THC) stated that the project would not adversely affect National Register of Historic Places houses/farms that are located within the project area. By letter to TDOT dated January 14, 2002, the THC concurred with the findings of a TDOT prepared archaeological survey report that the project area contains no archaeological resources eligible for listing in the National Register of Historic Places and has no object to the implementation of the project. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. A copy of this notice is being sent to the office of the state historic preservation officer.

In addition to the DA and TVA permits and state water quality certification, other federal, state, and/or local approvals may be required for the proposed work.

Written statements received in this office **on or before November 28, 2005**, will become a part of the record and be considered in the determination. Responses to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address. Any person may request, in writing, within the comment period specified in this notice, that a hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a hearing. It is not necessary to comment separately to TDEC or TVA since copies of all comments will be sent to them to become part of their records on the proposal.

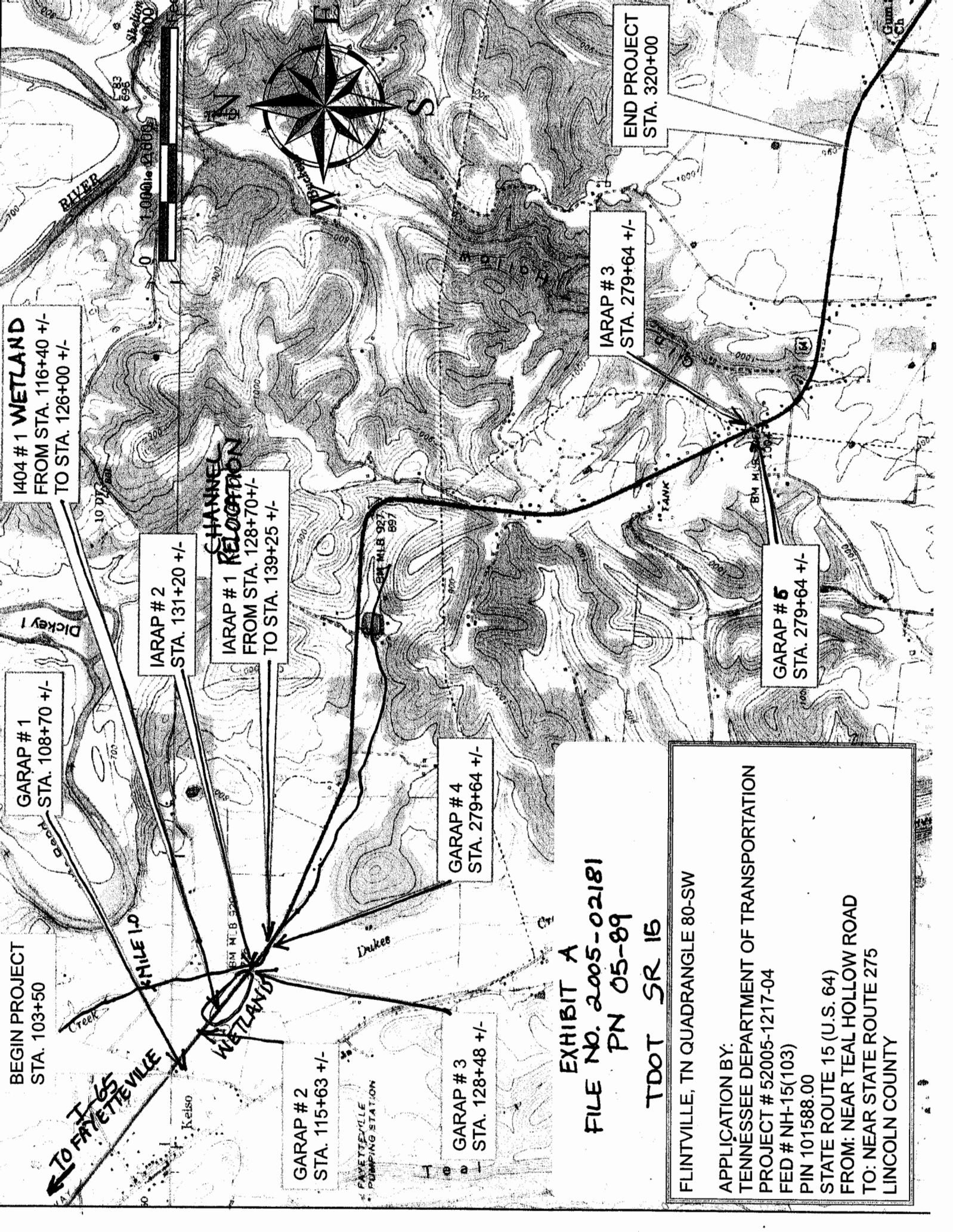


EXHIBIT A
FILE NO. 2005-02181
PN 05-89
TDOT SR 15

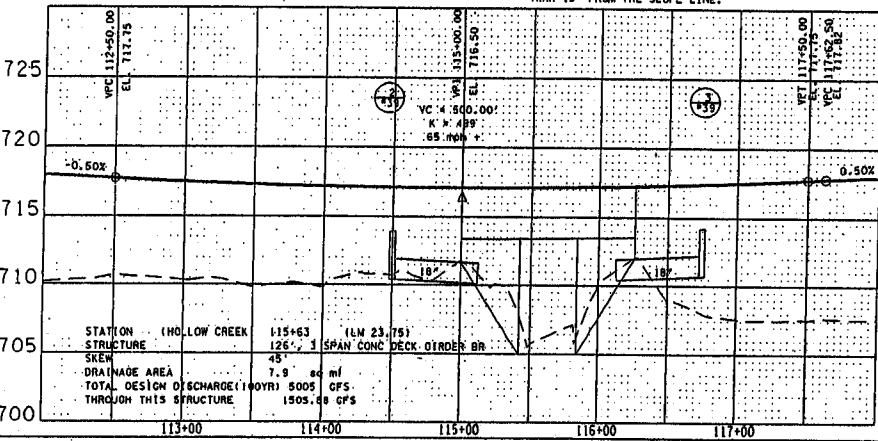
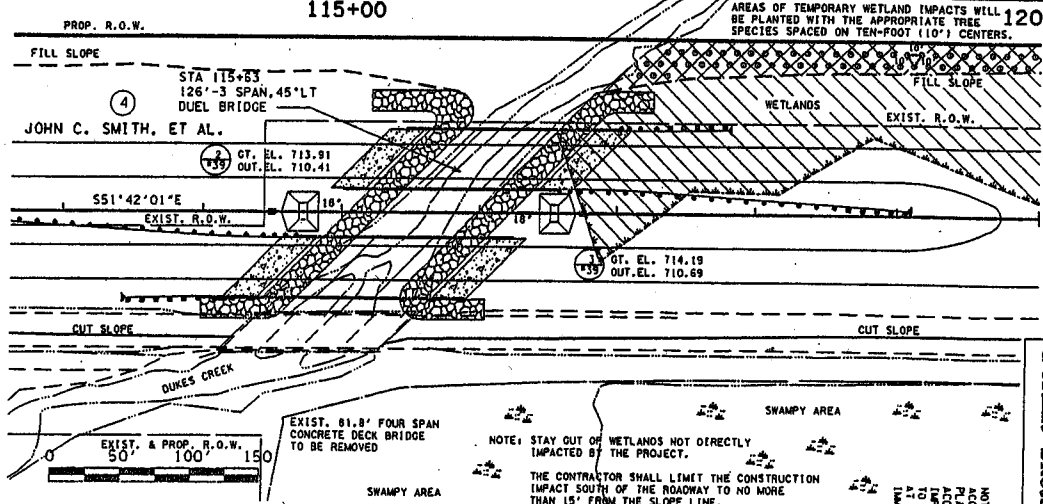
FLINTVILLE, TN QUADRANGLE 80-SW

APPLICATION BY:
TENNESSEE DEPARTMENT OF TRANSPORTATION
PROJECT # 52005-1217-04
FED # NH-15(103)
PIN 101588.00
STATE ROUTE 15 (U.S. 64)
FROM: NEAR TEAL HOLLOW ROAD
TO: NEAR STATE ROUTE 275
LINCOLN COUNTY

DATE: 06/25/04 REVISED: 09/20/05 SHEET 1 OF 2

LEGEND	WETLAND IMPACTS
AREA OF PERMANENT FILL = 1.941 AC.	
AREA OF TEMPORARY FILL = 11.151 C.F.	
AREA OF TEMPORARY FILL = 0.282 AC.	
AREA OF TEMPORARY FILL = 11.151 C.F.	

APPLICATION BY:
TENNESSEE DEPARTMENT OF TRANSPORTATION
PE # 52005-1217-04 FED # NH-15(103)
PIN 101588.00 SITE 3
STATE ROUTE 15 (U.S. 64)
FROM NEAR KELSEY-SMITHLAND RD
TO NEAR SR-275 IN LINCOLN COUNTY



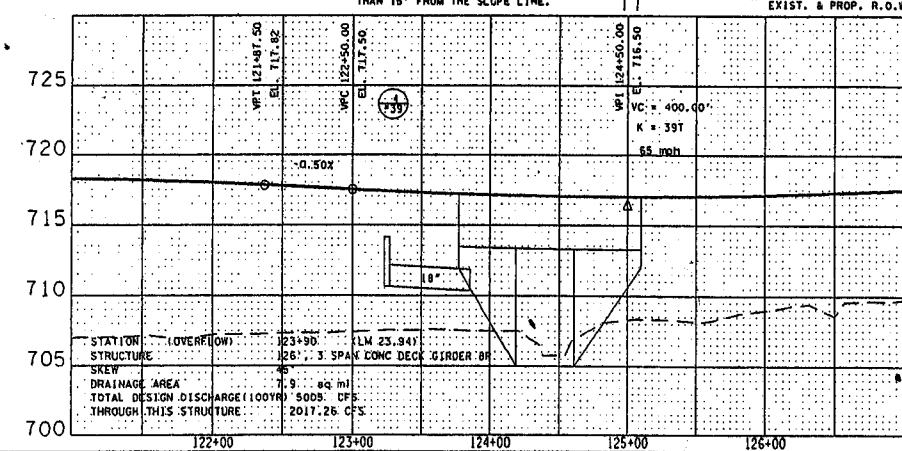
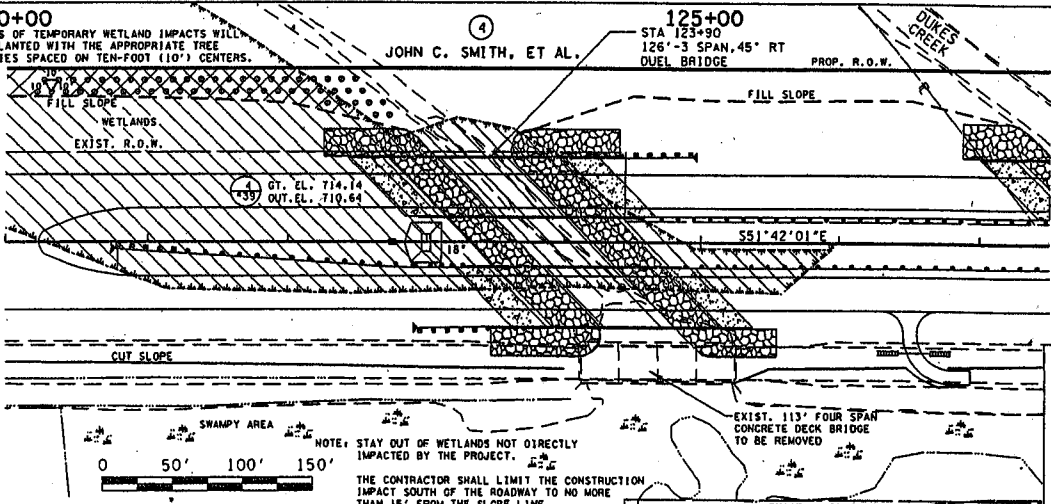
Permit Sketch

GARAP # 2
I 404 # 2
GARAP # 3

DATE: 06/25/04 REVISED: 09/20/05 SHEET 2 OF 2

LEGEND	WETLAND IMPACTS
AREA OF PERMANENT FILL = 1.941 AC.	
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APPLICATION BY:
TENNESSEE DEPARTMENT OF TRANSPORTATION
PE # 52005-1217-04 FED # NH-15(103)
PIN 101588.00 SITE 3
STATE ROUTE 15 (U.S. 64)
FROM NEAR KELSEY-SMITHLAND RD
TO NEAR SR-275 IN LINCOLN COUNTY



Permit Sketch

68-50 ND
18720-5002 ON 3711
B 11814X3

DATE: 06/25/04

REVISED: 09/20/05

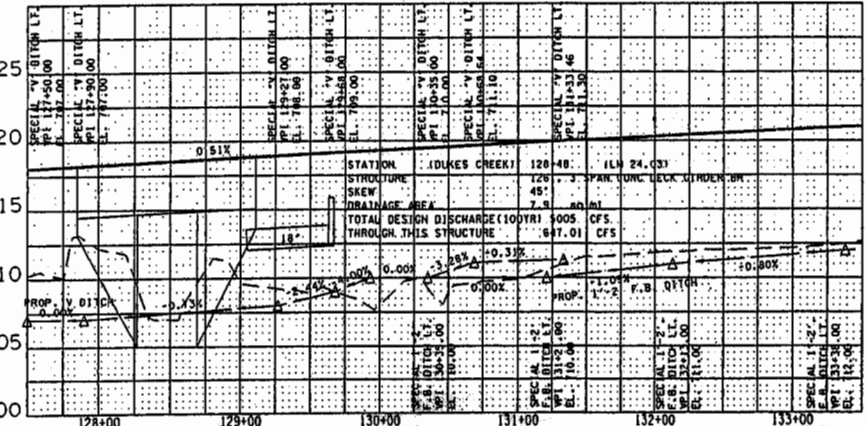
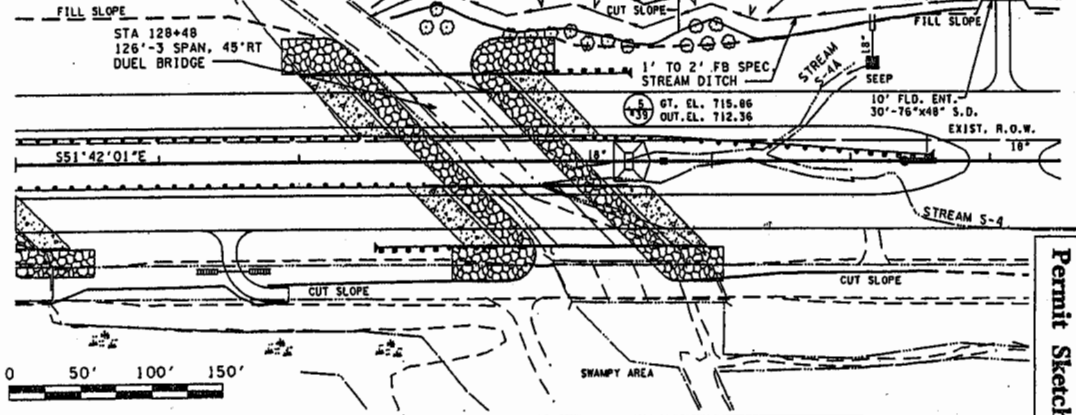
SHEET 1 OF 2

125+00

130+00

JOHN C. SMITH, ET AL.
PROP. R.O.W.

ANITA COWLEY
PROP. R.O.W.



Permit Sketch

IRAP# 1
IRAP # 2
GARAP # 4

DATE: 06/25/04

REVISED: 09/20/05

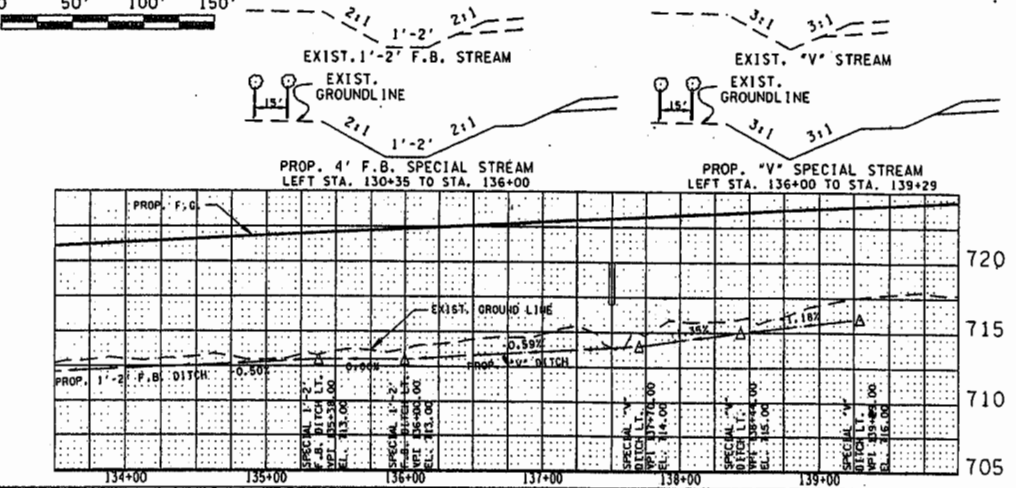
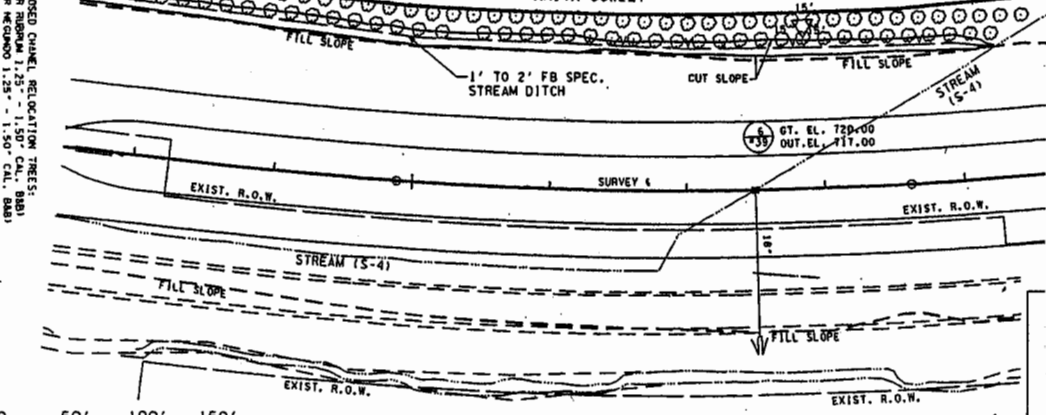
SHEET 2 OF 2

135+00

7

ANITA COWLEY

CHANNEL RELOCATION TREES WILL BE PLANTED
WITH THE APPROPRIATE TREE SPECIES SPACED
ON FIFTEEN-FOOT (15') CENTERS.



68-50 ND
18120-5002-0218
EXHIBIT C
FILE NO. 2002-0218

APPLICATION BY:
TENNESSEE DEPARTMENT OF TRANSPORTATION
PE # 52005-1217-04 FED # NH-15(103)
PIN 101588.00 SITE 6
STATE ROUTE 15 (U.S. 64)
FROM NEAR KELSO-SMITHLAND RD
TO NEAR SR-275 IN LINCOLN COUNTY